

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

THOMAS BUCHANAN, on behalf of
Himself and all others similarly situated,

Case No. 17-CV-0728

Plaintiff,
v.

SIRIUS XM RADIO INC.,

Defendant.

**DECLARATION OF ANYA VERKHOVSKAYA REGARDING
IMPLEMENTATION OF INDIVIDUAL NOTICE**

I, Anya Verkhovskaya, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I provide this declaration to confirm the emailing and postal mailing of the individual notices in connection with the settlement related to the above-captioned action (the “Settlement”) as directed by the May 6, 2019, Order Approving Issuance of Notice (the “Order”).
2. I am the President of Class Experts Group, LLC (“CEG”). CEG is a provider of litigation support services with primary focus on data management and analysis, particularly in the area of Telephone Consumer Protection Act (TCPA) class administration and consumer class action litigation support services. Pursuant to the Order, Class Counsel were authorized to retain CEG to provide settlement administrator services in the above-captioned action.
3. I have personal knowledge of the matters set forth herein. I am over the age of 21 and if called to testify to the matters stated herein, would and could do so competently.

INTRODUCTION AND BACKGROUND

4. On May 6, 2019, the Court entered the Order approving the proposed Notice Plan, including the various forms of notice in the Settlement, and preliminarily certifying a Settlement

Class defined as below:

All natural persons in the United States who, from October 16, 2013 to April 26, 2019: (a) received more than one telephone solicitation call in a 12-month period made by or on behalf of Sirius XM more than 31 days after registering the landline, wireless, cell or mobile telephone number on which they received those calls with the National Do-Not-Call Registry, or (b) received one or more calls after registering the landline, wireless, cell, or mobile telephone number on which they received the calls with Sirius XM's internal Do-Not-Call list.

Excluded from the class definition are: (a) natural persons who were or had been paid subscribers to Sirius XM's service at the time of the first call; (b) natural persons who were members of the class settled in *Hooker v. Sirius XM Radio Inc.*, Civil Action No. 4:13-cv-00003 (E.D. Va. 2013), who did not exclude themselves from that class, and who did not receive more than one telephone solicitation call after July 5, 2016; and (c) any employees, officers, directors of Sirius XM, and attorneys appearing in this case, and any judge assigned to hear this case as well as their immediate family and staff.

5. After the Court's preliminary approval of the Settlement, CEG began to implement and coordinate the Notice Program.¹

INDIVIDUAL NOTICE EMAILING

6. On or about May 26, 2019, CEG received the class data from Sirius XM Radio Inc., as forwarded by class counsel. The class data contained 14,796,913 total, unique records (the "Class Data").

7. CEG coordinated a reverse-append process on the Class Data to append up to five additional email addresses per record and prepared the resulting file as the Email Notice list. The final Email Notice list contained 41,304,109 unique email addresses.

8. On June 6, 2019, CEG began to disseminate the 41,304,109 Email Notices to the potential Settlement Class members for whom a validated² email address was available. As of the date of

¹ In addition, on May 9, 2019, CEG caused the notice required by the Class Action Fairness Act of 2005 (CAFA) to be delivered via the United States Postal Service (USPS) to the Attorney General of the United States and each of its states and territories.

² Email validation process includes the following email hygiene: removal of email addresses that are no longer in use; email addresses that are not in existence (have typos in the addresses); and fake email addresses.

this declaration, there were 1,029,720 records for which no Email Notice had been delivered.

9. Each Email Notice was transmitted with a unique tracking code. If the receiving email server could not deliver the message, a “bounce code” was returned along with the tracking code.

10. For each record with a tracking code showing that no Email Notice was deliverable, and where a validated email address was available, at least two additional attempts were made to deliver an Email Notice to that individual.

11. A true and correct copy of the Email Notice is attached hereto as Exhibit A.

12. The Email Notice included an embedded link to the case website, SiriusXMdncTCPAsettlement.com. By clicking the link, recipients are able to easily access the Long Form Notice, Notificación en español, the Class Action Complaint, Settlement Agreement, Preliminary Approval Order, and Frequently Asked Questions (FAQs) and answers thereto. Also included at the case website is an online claim filing option.

13. At the time of this declaration, there were 1,029,720 records for which no Email Notice had been delivered.

INDIVIDUAL NOTICE POSTAL MAILING

14. Beginning on June 6, 2019, CEG coordinated and caused the mailing of the Postcard Notice to be mailed via First-Class Mail, postage prepaid, to 981,167 records without a delivered Email Notice.

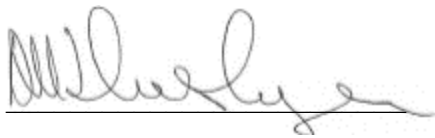
15. Prior to the mailing, all mailing addresses were checked against the National Change of Address (NCOALink) database maintained by the United States Postal Service (USPS).

16. In addition, the addresses were certified via the Coding Accuracy Support System (CASS) to ensure the quality of the zip code, and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses. This process is an industry standard.

17. A true and correct copy of the Postcard Notice is attached hereto as Exhibit B.
18. The Postcard Notice included the return address of the post office box maintained for the purpose of receiving undeliverable Postcard Notices in connection with this Settlement. All undeliverable mail was processed through this post office box.
19. The handling of undeliverable Postcard Notices is still in process at this time; this consists of receiving and processing the undeliverable Postcard Notices, researching any updated addresses via LexisNexis and/or TransUnion, and re-mailing Postcard Notices, via First-Class Mail, postage prepaid, where updated addresses can be identified.
20. Once the process of handling the undeliverable Postcard Notices is completed, updated statistics concerning the mailing will be provided via a supplemental declaration.
21. A declaration concerning media notice, establishment and maintenance of the Settlement website, and the telephone assistance program will be filed on or before October 8, 2019, as directed by the Order.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at Milwaukee, Wisconsin this 8th day of July 2019.

A handwritten signature in dark ink, appearing to read 'Anya Verkhovskaya', written over a horizontal line.

Anya Verkhovskaya

EXHIBIT A

SUBJECT: Class Action Notice in *Buchanan v. Sirius XM*

Dear [NAME]:

[FILE A CLAIM](#)

YOUR CLAIM #[ALPHANUMERIC]

A federal court authorized this notice. You are not being sued. Records show that you may be entitled to money from a class action settlement. A Settlement has been reached in a class action lawsuit claiming that Sirius XM made telephone calls to persons registered on the National Do Not Call Registry or Sirius XM's Internal Do Not Call Registry. Sirius XM denies any wrongdoing of any kind and the Court has not decided who is right. The Settlement gives Class Members the choice to receive either 3 months of Free Service or a cash payment.

Si desea recibir esta notificación en español, visite nuestra página web o llámenos.

Who's Included? The Settlement Class includes all persons in the U.S. who from October 16, 2013 through April 26, 2019 received a solicitation call by or on behalf of Sirius XM (a) at least twice within a 12-month period after their landline or wireless telephone number was registered more than 31 days on the National Do-Not-Call Registry, or (b) after their landline or wireless telephone number was registered on Sirius XM's internal Do-Not-Call list.

Settlement Terms. Sirius XM will provide (a) 3 months of free access to Sirius XM's All Access Subscription package (Free Service), which provides access to all of Sirius XM's available channels, currently consisting of over 150 channels plus streaming Sirius XM; or (b) a Settlement Fund of \$25 million, which will be distributed to Class Members who submit valid claim forms, and used for attorneys' fees and expenses, service awards, and settlement administration. **Each Class Member can choose either Free Service or a cash payment, but you cannot choose both.** If you do nothing, you will get nothing and release your claims against Sirius XM.

How Do I Get Free Service?

How Do I Get a Payment?

To choose either option, you must complete a claim form at SiriusXMdncTCPAsettlement.com or mail it to:

Sirius XM DNC Settlement, P.O. Box 374, Claysburg, PA 16625

Find the required ESN by tuning to "0" on your Sirius XM radio. Class Counsel estimates **the current retail value of Free Service at approximately \$81.**

Class Counsel estimates that the cash payment will be approximately \$12. How much each Class Member receives depends on how many people make valid claims.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **10/8/2019**. If you exclude yourself, you get no Free Service and no cash payment from the Settlement. You may object to the Settlement by **10/8/2019**. The information available on the Settlement website SiriusXMdncTCPAsettlement.com explains how to exclude yourself or object, and provides further information on the Settlement, including the Class definition. The Court will hold a Hearing on **11/7/2019** to consider whether to approve the Settlement, a request for attorneys' fees of up to twenty percent (20%) of the Settlement's total value and a service payment of up to \$10,000 to the Class Representative. You may appear at the hearing, either yourself or through an attorney hired by you, but you do not have to appear at the hearing. For complete terms of the Settlement, visit SiriusXMdncTCPAsettlement.com

FILE A CLAIM

YOUR CLAIM #[ALPHANUMERIC]

Our mailing address is:

Sirius XM DNC Settlement, P.O. BOX 374, Claysburg, PA 16625

You can [unsubscribe from this list](#).

Do not reply to this email.

EXHIBIT B

**A federal court authorized this notice.
You are not being sued.
Records show that you may be entitled
to money from a class action
settlement.**

A Settlement has been reached in a class action lawsuit claiming that Sirius XM made telephone calls to persons registered on the National Do Not Call Registry or Sirius XM's Internal Do Not Call Registry. Sirius XM denies any wrongdoing of any kind and the Court has not decided who is right. The Settlement gives Class Members the choice to receive either 3 months of Free Service or a cash payment.

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SiriusXMdncTCPAsettlement.com

Returned mail:
Sirius XM DNC Settlement
Settlement Administrator
PO Box 444
Claysburg, PA 16625

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
PITTSBURGH, PA
PERMIT # 35



Postal Service: Please do not mark barcode

CLAIM ID: 123ABC

*****AUTO**5-DIGIT 35901

J190894 P15 T1566 P1 S457879

TEST NAME

ADDRESS

CITY STATE ZIP



PROVIDE INFORMATION

First Name

Middle Name

Last Name

Street/P.O. Box

Unit/Apt. Number

City/Town

State

Zip Code

Telephone Number: By providing this number, you certify that you received one or more telephone calls from Sirius XM to this number and that you had never been a paid subscriber when you received the first call.

Email:

CHOOSE FREE SERVICE BY 12/22/19 OR CASH PAYMENT BY 10/8/19 (CHOOSE ONLY ONE)

I choose three months of Sirius XM's All Access Subscription package currently valued at approximately \$81. **You must provide a Vehicle Identification Number (VIN) or Electronic Serial Number (ESN).**

VIN (NOTE: The vehicle must have a Sirius XM-equipped radio. **Vehicle cannot currently have a paid subscription.**)

0457879

ESN (Find by tuning to “0” on your Sirius XM radio or by following instructions at <https://www.siriusxm.com/help/findsirius>.
Vehicle cannot currently have a paid subscription.)

Check Box

OR, I choose a cash payment estimated by Class Counsel to be approximately \$12.

Check Box

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT No.3 CLAYSBURG, PA

POSTAGE WILL BE PAID BY ADDRESSEE

**SIRIUS XM DNC
SETTLEMENT ADMINISTRATOR
ATTN: CLAIMS
P.O. BOX 374
CLAYSBURG PA 16625-9911**



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